

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

TRASHAWN OLIVER-THOMAS,

Plaintiff,

v.

Case No. 22-C-938

OFFICER HUNTER, et al.,

Defendants.

ORDER

Plaintiff Trashawn Oliver-Thomas, who is representing himself, filed this lawsuit, along with a motion for leave to proceed without prepaying the filing fee. Dkt. Nos. 1-2. On August 16, 2022, the Clerk's office sent Plaintiff a letter directing him to submit a certified copy of his six-month trust account statement within 21 days of the order. Dkt. No 3. The letter warned Plaintiff that, "Failure to comply with this requirement may result in the Court's dismissal of your case." *Id.* (emphasis in original).

On September 19, 2022, Plaintiff submitted an *incomplete* trust account statement, *see* Dkt. No. 8, so the Clerk's office sent Plaintiff a second letter directing him to submit a certified copy of his trust account statement for the period 5/24/2022 through 8/14/2022 within 21 days of the order, *see* Dkt. No. 9. Plaintiff still did not submit the requested documents, so the Court entered an order on October 14, 2022 warning Plaintiff that, if he does not submit a certified copy of his institutional trust account statement by October 26, 2022, or provide some explanation as to why he has not submitted it, the Court would dismiss this action without prejudice based on Plaintiff's failure to pay the filing fee. Dkt. No. 10.

The deadline has passed and Plaintiff has neither provided the requested documents nor otherwise communicated with the Court. The requirement to submit a complete trust account statement is statutory, *see* 28 U.S.C. § 1915(b)(1), and Plaintiff's failure to comply with that requirement warrants dismissal of this case. Accordingly, the Court will dismiss this case without prejudice based on Plaintiff's failure to pay the filing fee.

IT IS THEREFORE ORDERED that this case is **DISMISSED without prejudice** based on Plaintiff's failure to pay the filing fee.

IT IS FURTHER ORDERED that, pursuant to 28 U.S.C. §1915(b)(1), Plaintiff must pay the \$350 statutory filing fee. Accordingly, the agency having custody of Plaintiff shall collect from his institution trust account the \$350 statutory filing fee by collecting monthly payments from Plaintiff's prison trust account in an amount equal to 20% of the preceding month's income credited to the prisoner's trust account and forwarding payments to the Clerk of Court each time the amount in the account exceeds \$10 in accordance with 28 U.S.C. §1915(b)(2). The payments shall be clearly identified by the case name and number assigned to this action. If Plaintiff is transferred to another institution, the transferring institution shall forward a copy of this Order along with Plaintiff's remaining balance to the receiving institution.

IT IS FURTHER ORDERED that a copy of this order be sent to Milwaukee County Sheriff and to Dennis Brand, 821 W. State Street, Room 224, Milwaukee, WI 53233.

IT IS FURTHER ORDERED that copies of this order be sent to the officer in charge of the agency where Plaintiff is located.

Dated at Green Bay, Wisconsin this 31st day of October, 2022.

s/ William C. Griesbach

William C. Griesbach
United States District Judge